

## **A Bill**

To establish criteria for and to create a National Heritage Areas System in the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “National Heritage Areas Partnership Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. National heritage areas system.

Sec. 5. Feasibility studies.

Sec. 6. Designation.

Sec. 7. Management plans.

Sec. 8. Local coordinating entities.

Sec. 9. Relationship to other federal agencies.

Sec. 10. Property owner and regulatory protections.

Sec. 11. Partnership support.

Sec. 12. Funding.

## **SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds the following:

(1) Certain areas of the United States tell nationally important stories; they illustrate significant aspects of our heritage; possess exceptional natural, cultural, scenic, and historic resources; and represent the diversity of our national character.

(2) In these areas, the interaction of natural processes, geography, history, cultural traditions, and economic and social forces form distinctive landscapes that should be recognized, protected, enhanced, and interpreted to improve the quality of life in the regions and to provide opportunities for public appreciation, education, enjoyment, and economic sustainability.

(3) Local initiatives based on community and regional visions, involving public/private partnerships, are critical to protecting, enhancing and interpreting natural, historic, scenic, and cultural resources related to our American heritage. These initiatives should be encouraged and supported by the Federal government with the concurrence of the relevant Federal land management agencies and Tribal governments by providing financial and technical assistance.

(4) Partnerships among Federal, Tribal, State and local governments, nonprofit organizations, the private sector, and citizens provide the most viable framework to recognize, protect, enhance, and interpret the resources of places that have made important contributions to the national story.

(5) Communities and regions need assistance to set resource stewardship and interpretive goals, and to implement strategies for resource protection and renewed economic viability in these areas.

(6) A unified national process as well as certain standards for designation of National Heritage Areas need to be established to provide a consistent framework. The process should include a system for approval of heritage area management plans.

(7) National Heritage Areas located near or encompassing units of the National Park System provide an additional basis for public enjoyment of parks and park-related resources, and it is appropriate for these parks to participate in, assist with, and benefit from local heritage initiatives that conserve and interpret resources over a larger area beyond the park's boundaries.

(8) It is in the national interest and will benefit future generations to establish a system of National Heritage Areas to encourage resource conservation, protection, interpretation, enhancement, and economic sustainability, and for full public understanding and appreciation of the many resources, places, events, and peoples that have contributed to the rich heritage of this Nation.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To establish a system of regional and community-based National Heritage Areas to protect, enhance, and interpret natural, historic, scenic, and cultural resources that together tell nationally important stories representing our country's heritage.

(2) To promote public understanding, appreciation and enjoyment of the many places, events, and people that have contributed to our nationally diverse story.

(3) To promote innovative and partnership-driven management strategies that recognize regional values, to encourage locally tailored resource stewardship and interpretation, to develop economically viable and innovative approaches to community conservation, and to provide for the effective leveraging of Federal funds with State, local, Tribal, and private funding sources.

(4) To provide unified national standards and processes for conducting feasibility studies, designating National Heritage Areas, and approving heritage area management plans.

(5) To provide appropriate linkages among units of the National Park System, and communities, governments, and organizations within National Heritage Areas to protect, enhance, and interpret resources outside of park boundaries.

(6) To authorize the Secretary of the Interior to provide financial and technical assistance to local coordinating entities that act as a catalyst for diverse regions, communities, organizations, and citizens to undertake projects and programs for resource stewardship and interpretation.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) **FEASIBILITY STUDY.**—The term “feasibility study” means a study conducted by the Secretary of the Interior, or conducted by one or more other

interested parties and reviewed by the Secretary, in accordance with the criteria and processes outlined in section 5, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the entity designated by Congress to undertake, in partnership with others, the management plan and to act as a catalyst for implementation projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for a National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations taken to meet the goals of the heritage area as specified in section 7.

(4) NATIONAL HERITAGE AREA.—The term “National Heritage Area” means an area or corridor designated by Congress that tells nationally important stories representing our American heritage.

(5) PROPOSED NATIONAL HERITAGE AREA.—The term “proposed National Heritage Area” is an area or corridor under study by the Secretary of the Interior or other parties for potential designation by Congress as a National Heritage Area.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) SYSTEM.—The term “system” means the system of National Heritage Areas established under section 4.

(8) TRIBAL GOVERNMENT.—The term “Tribal government” means the governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(9) TRIBAL LANDS.—The term “Tribal lands” means all lands within the exterior boundaries of any Indian reservation, all lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation, and all dependent Indian communities.

#### **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

(a) IN GENERAL.— In order to recognize certain areas of the United States that tell nationally important stories and to protect, enhance, and interpret the areas’ natural, historic, scenic, and cultural resources that together illustrate significant aspects of our country’s heritage, there is established a National Heritage Areas System through which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.

(b) SYSTEM.—The National Heritage Areas System shall be composed of the following:

(1) National Heritage Areas designated by Congress prior to the date of enactment of this Act.

(2) National Heritage Areas designated by Congress subsequent to the date of enactment of this Act, as provided for in this Act.

(c) RELATIONSHIP TO THE NATIONAL PARK SYSTEM.—

(1) RELATIONSHIP TO NATIONAL PARK UNITS.— The Secretary shall—

(A) assure to the maximum extent practicable, participation and assistance by any unit of the National Park System located near or encompassed by any National Heritage Area in local initiatives for that National Heritage Area that conserve and interpret resources consistent with an approved management plan for the National Heritage Area; and

(B) work with National Heritage Areas to promote public enjoyment of units of the National Park System and park-related resources.

(2) APPLICABILITY OF LAWS.—National Heritage Areas shall not be considered to be units of the National Park System nor shall the areas be subject to the authorities applicable to units of the National Park System.

(d) DUTIES.—Under the system, the Secretary shall—

(1) undertake studies as directed by Congress through legislation to assess the feasibility of designating proposed National Heritage Areas or review and comment on studies undertaken by other parties for this purpose;

(2) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report describing the activities conducted with respect to National Heritage Areas in accordance with this Act; and

(3) conduct an evaluation and prepare a report on the accomplishments, sustainability, and recommendations, if any, for the future of each designated National Heritage Area three years prior to the cessation of Federal funding for the area under section 12(a) and submit a report on the findings of the evaluation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(e) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) provide technical and financial assistance on a reimbursable or non-reimbursable basis as determined by the Secretary in the development and implementation of management plans for designated National Heritage Areas;

(2) enter into cooperative agreements with other Federal agencies, State, Tribal and local governments, local coordinating entities, and other interested parties to carry out the purposes of this Act;

(3) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities; and

(4) provide national oversight, analysis, coordination, technical and financial assistance, and support to ensure consistency and accountability of the system.

## **SEC. 5. FEASIBILITY STUDIES.**

(a) CRITERIA.—The Secretary, in undertaking a feasibility study, or reviewing a feasibility study conducted by others, shall apply the following criteria to determine the feasibility of designating a proposed National Heritage Area:

(1) An area—



(A) has an assemblage of natural, historic, or cultural resources that together tell a nationally important story;

(B) represents distinctive landscapes and aspects of our American heritage worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folk life that are a valuable part of the national story;

(E) provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features;

(F) provides outstanding recreational and educational opportunities; and

(G) has the resources and traditional uses important to the identified stories and themes and these resources and uses retain a degree of integrity capable of interpretation.

(2) Residents, business interests, non-profit organizations, and governments including relevant Federal land management agencies within the proposed area and Tribal governments are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance and interpret resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a feasible conceptual financial plan that outlines the roles of all participants including the Federal government.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public, and by participating Federal agencies.

(b) CONCURRENCE OF AN AFFECTED FEDERAL AGENCY.—In undertaking a feasibility study, or in reviewing a study undertaken by others, the Secretary should consult with the head of any Federal agency that manages lands within the proposed National Heritage Area and secure the agency's concurrence with the findings of the feasibility study prior to making a determination of feasibility for designation.

(c) REVIEW AND CONSULTATION.—Based upon the completion of a feasibility study, or upon receipt of an acceptable feasibility study conducted by others, the Secretary shall—

(1) review, comment on, and determine if the study meets the criteria specified in subsection (a) for designation as a National Heritage Area; and

(2) consult with the Governor of any State and with Tribal governments in which the proposed National Heritage Area is located.

(d) TRANSMITTAL AND RECOMMENDATION.—The Secretary--

(1) shall transmit the study, including any comments received from the Governor of any State and Tribal government in which the proposed National Heritage Area is located, to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate with a finding as to whether or not the proposed National Heritage Area meets the criteria for designation and the reasons for that determination; and

(2) may transmit a letter, providing a recommendation concerning designation of the proposed National Heritage Area. Such a recommendation may be based on the budgetary impact of the designation or any other factor unrelated to the criteria.

## **SEC. 6. DESIGNATION.**

(a) IN GENERAL.—The designation of a National Heritage Area shall be—

(1) by Act of Congress; and

(2) contingent on the prior completion of a feasibility study and an affirmative determination by the Secretary that the area meets the criteria established under Section 5(a).

(b) COMPONENT OF THE SYSTEM.—Any National Heritage Area designated under subsection (a) shall be a component of the National Heritage Areas System established in Section 4.

## **SEC. 7. MANAGEMENT PLANS.**

(a) REQUIREMENTS.—The management plan for any National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the region’s heritage and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the stories and themes of the region that should be protected, enhanced, managed or developed;

(5) recommend policies and strategies for resource management including, but not limited to, the development of intergovernmental and interagency agreements to protect the National Heritage Area’s natural, historical, cultural, educational, scenic, and recreational resources;

(6) describe a program of implementation for the management plan including: performance goals; plans for resource protection, enhancement,

interpretation; and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(7) include an analysis and recommendations for ways in which local, State, Tribal and Federal programs may best be coordinated, including the role of the National Park Service and other Federal agencies associated with the National Heritage Area, to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships, and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The local coordinating entity shall submit the management plan to the Secretary for approval within 3 years from the date when any funds are made available for this purpose after designation as a National Heritage Area.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for any additional financial assistance under

this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN. —

(1) REVIEW.—Based upon the criteria in paragraph (3), the Secretary shall review and approve or disapprove the management plan for a National Heritage Area not later than 180 days after receiving the management plan.

(2) CONSULTATION.—The Secretary shall consult with the Governor of any State and Tribal government in which the National Heritage Area is located prior to approving any management plan.

(3) CRITERIA FOR APPROVAL. —In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity is representing the diverse interests of the National Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity has afforded adequate opportunity, workshops and hearings, for public and governmental involvement in the preparation of the management plan, and includes provisions for at least semi-annual public meetings to assure adequate implementation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect,

enhance and interpret the natural, historic, scenic, and cultural resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or Tribal lands under applicable laws or pursuant to land use plans;

(E) the local coordinating entity has demonstrated financial capability, in partnership with others, to carry out the management plan;

(F) the Secretary has received adequate assurances from the appropriate State and local officials and Tribal governments whose support is needed to ensure the effective implementation of the State, Tribal, and local aspects of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, Tribal, State, or local governments, regional planning organizations, non-profit organizations, or private-sector parties for implementation of the management plan.

(4) ACTION FOLLOWING DISAPPROVAL. —If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons and may make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 180 days after receiving the revised management plan.

(5) AMENDMENTS. —Amendments to the management plan that substantially alter the purposes of the National Heritage Area shall be reviewed by the Secretary and approved in the same manner as provided for in the original

management plan. The local coordinating entity shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

## **SEC. 8. LOCAL COORDINATING ENTITIES.**

(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the National Heritage Area to the Secretary in accordance with section 7 of this Act;

(2) submit an annual report to the Secretary for any fiscal year in which it receives Federal funds under this Act, setting forth its specific performance goals and accomplishments, expenses and income, amounts and sources of matching funds, the amounts leveraged with Federal funds and sources of such leveraging, and grants made to any other entities during the year for which the report is made;

(3) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds; and

(4) encourage by appropriate means economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the approved management plan for the National Heritage Area, use Federal funds made available through this Act to—



(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff which shall include individuals with expertise in natural, cultural, and historic resources conservation; economic and community development; and heritage planning;

(4) obtain money or services from any source including any that are provided under other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire any interest in real property.

## **SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) This Act shall not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(b) The head of any Federal agency planning to conduct activities that may have an impact on a designated National Heritage Area is encouraged to consult and

coordinate these activities with the Secretary and the local coordinating entity to the extent practicable.

(c) This Act shall not modify any law or regulation authorizing Federal officials to manage Federal land under their control or limit the discretion of Federal land managers to implement approved land use plans within the boundaries of a National Heritage Area, nor shall this Act be construed to modify, alter or amend any authorized uses of these Federal lands.

## **SEC. 10. PROPERTY OWNERS AND REGULATORY PROTECTIONS.**

Nothing in this Act shall be construed to—

(a) abridge the rights of any property owner, whether public or private, including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(b) require any property owner to permit public access (including Federal, Tribal, State, or local government access) to such property or to modify any provisions of Federal, Tribal, State, or local law with regard to public access or use of private lands;

(c) alter any duly adopted land use regulation or any approved land use plan or any other regulatory authority of any Federal, State, or local agency or Tribal government, or to convey any land use or other regulatory authority to any local coordinating entity;

(d) authorize or imply the reservation or appropriation of water or water rights;

(e) diminish the authority of the State to manage fish and wildlife including the regulation of fishing and hunting within the National Heritage Area; or

(f) create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

## **SEC. 11. PARTNERSHIP SUPPORT.**

(a) TECHNICAL ASSISTANCE.—Upon termination of the 15-year period for which assistance is provided under section 12(a), the Secretary may continue to provide technical assistance, as authorized under section 4, to a National Heritage Area upon the request of the local coordinating entity.

(b) GRANT ASSISTANCE.—Regardless of whether financial assistance has been terminated under section 12(a), a National Heritage Area may receive financial assistance under any grant program funded through the Historic Preservation Fund, including the Save America's Treasures program and the Preserve America program, or under any grant program funded through any other source of funding, provided that the National Heritage Area meets the eligibility requirements of such programs.

## **SEC. 12. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to carry out the activities under section 8—

(A) not more than \$1,000,000 for any fiscal year for each National Heritage Area to remain available until expended; and

(B) not more than a total of \$10,000,000 for each National Heritage Area.

(2) The authority of the Secretary to provide financial assistance in section 4(e) to a local coordinating entity (excluding technical assistance and administrative oversight) shall terminate 15 years after the date of enactment of the law designating a National Heritage Area.

(3) In addition to amounts authorized in paragraph (1), there is authorized to be appropriated to the Secretary to conduct feasibility studies by the National Park Service in accordance with the provisions of section 5, not more than \$750,000 for any fiscal year, with not more than \$250,000 used for any one feasibility study for a proposed National Heritage Area.

(b) MATCHING FUNDS.—As a condition of providing financial assistance under section 4(e) to a local coordinating entity, the Secretary shall require the recipient to provide matching funds equal to the amount of the financial assistance. Recipient matching funds—

(1) must be from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods or services fairly valued.

(c) ADMINISTRATIVE—Not more than five percent of the funds made available under subsection (a)(1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.